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GENOCIDE IN DARFUR

A coward's way out

Jamal Jafari & Paul R. Williams / Special to The National Law Journal

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As if Darfur hasn't suffered enough, some Western diplomats want to punish victims of the genocide for dying in smaller numbers. The United Nations recently confirmed a decline in the death rate, which a diplomatic official, quoted anonymously in the *Los Angeles Times*, and echoing the sentiments of others, argues is evidence that the genocide is over. But according to international law, genocide ends only when murders, torture and destruction of food, water and shelter ends. Declaring a premature end to the genocide ignores the international community's moral and legal obligations, rewards the Sudanese government and hinders efforts to stop this 4 1/2-year-long tragedy.

The genocide is alive and well in Darfur. According to the United Nations, 55,000 people have been displaced since June. Reports of large-scale attacks on civilians continued as recently as late August, and Amnesty International reports that the Sudanese government continues to transport military equipment into the region. The government and the Janjaweed militia continue to kill and maim civilians, while destroying their food and water stores. Women collecting firewood are still abducted and raped. Homes are still burned. In essence, it is still impossible for civilians to live in Darfur without international protection.

The government may have changed its tactics, but ethnic annihilation is still its goal. Instead of shooting, bombing and burning civilians to death en masse, the government and the Janjaweed prefer to ride into a town, kill a few civilians as a warning and let the rest flee into the unforgiving Sahara while their access to food and water is prevented — a death sentence simply by other means. Some civilians make it to international aid stations, but many do not. This represents the same intent pattern to empty Darfur of its indigenous African population.

These acts still constitute genocide. According to the Genocide Convention of 1948, genocide can encompass murder, serious assault or imposing conditions on a group "calculated to bring about its physical destruction in whole or in part." The U.S. government found the convention to apply in Darfur when it categorized the atrocities as genocide in 2004. Today, the appropriate question is this: Will Sudan allow civilians in Darfur to live in peace with the basic necessities of life? The answer is no, as long as Sudan continues to murder, torture and rape civilians while blocking their access to food, water and shelter. Until these actions are halted, genocide will thrive. The convention poses no minimum requirement for suffering. Its language, supported by decisions of the international criminal tribunals for Rwanda and Yugoslavia, provides that genocide occurs when acts are committed with the intention "to destroy, in whole or in part, a national, ethnical, racial or religious group." No mention is made of how many people have to die or how quickly. After it created 2.5 million refugees and killed 400,000 people, Sudan should not be rewarded for reducing the number of potential victims with a declaration that the genocide is over.

Genocide can end only when civilians in Darfur are able to live in peace. The International Criminal Tribunal for Rwanda and its sister tribunal for Yugoslavia, having prosecuted the most recent cases of genocide, looked to the presence, not the number, of genocidal acts to determine genocide. That means the atrocities against civilians must fully cease for diplomats to declare the genocide over. A good benchmark is whether many of the 2.5 million refugees can return to their homes in Darfur and live free from persecution. Unfortunately, refugees still choose to live in poorly equipped relief camps in the Chadian desert rather than risk living — or dying — under the government of Sudan.

Prematurely arguing for the end of genocide weakens international pressure. The Genocide Convention requires ratifying states to "prevent and punish" genocide, in part by calling on the United Nations to act. This language should be stronger, but it is the only means by which states can be compelled to act. When diplomats argue that the genocide is over based on no legal analysis, they undermine efforts to apply international pressure and risk reversing the few

gains achieved. These gains, such as a consensus for an African Union force in Darfur and eroding international support for the Sudanese government, could be undone by declaring the genocide over.

Just as key member states of the international community have weakened the Genocide Convention with their inaction, some diplomats now seek to use new facts as an excuse to ignore Darfur altogether. Genocide is not a crime of severity; it is a crime of intent. As long as Sudan and its agents act with the intention to eliminate civilians in Darfur, every weapon in the arsenal of the international community should be used to stop them. That means admitting that trying to wipe a group of people off the face of the earth still shocks our basic concept of humanity, whatever the latest death statistics report.

Jamal Jafari is senior peace fellow at the Public International Law & Policy Group. Paul. R. Williams is co-founder and executive director of PILPG and the Rebecca Grazier Professor of Law and International Relations at American University Washington College of Law.